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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,928	06/07/2001	Kell Michael Jensen	1020.P10678	1359

57035 7590 07/28/2006

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EXAMINER	
REILLY, SEAN M	

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/877,928	JENSEN ET AL.	
	Examiner	Art Unit	
	Sean Reilly	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 April 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This office action is in response to Applicant's request for continued examination filed on April 25, 2006. Claims 1-18 are presented for further examination. All independent claims have been amended.

Response to Arguments

Applicant's arguments are moot in view of the new grounds of rejection set forth. Additionally Examiner notes that neither Tso nor WinRoute teach away from deleting information upon delivery of said information to a client simply because Tso and WinRoute employ caches for the storage of such information, as Applicant appears to assert in the response filed April 25, 2006. Both of these systems must address the deletion of content from their proxies in some fashion due to the inherent capacity constraints of a cache memory.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. **Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

With regard to claim 1, the limitation *deleting said information upon delivery of said information to said client* renders the claim indefinite. It is not clear which information *said information* references since *said information* may reference 1) the information transmitted to the

client or 2) information which resides at another device such as a proxy that is used to transmit the information to the client. The latter is presumed since it would not make sense to delete content at the client before viewing it. Furthermore Applicant does not have 112 1st ¶ support for such a limitation. Should Applicant later amended the claims such that point #1 above is the intended interpretation then Applicant should expect 112 1st ¶ rejection to be made.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 2-5, 7, 8-12, 14-16, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso et al. (U.S. Patent No. 6,421,733, hereinafter "Tso") and WinRoute (WinRoute Pro 3.0 User's Manual) and Burns et al. (U.S. Patent Number 5,991,306; hereinafter Burns).

In considering claim 1, Tso discloses a method to retrieve information, comprising:

receiving a first request for information from a client over a first connection (i.e. client makes a request to a "transcoding server," col. 3, lines 12-13, 18-23);

establishing a second connection to retrieve said information; (i.e. transcoding server retrieves it from an Internet content server, col. 3, lines 41-43);

retrieving said information over said second connection (i.e. transcoding server retrieves it from an Internet content server, col. 3, lines 41-43);

receiving a second request for said information over a third connection (i.e. client will make a second request for the information);

determining whether said second request matches said first request, including whether said second request is from said client (col. 5, lines 36-40, describing checking the cache in response to a second request based on "information," col. 7, lines 21-38, describing that the "information" can be information about the "network client," including "user identity"); and

sending said information over a third connection to said first network node in accordance with the determination (col. 3, lines 41-44).

See also, col. 6, lines 9-50, describing various steps of the claimed invention.

Tso disclosed the invention substantially as claimed however, Tso failed to specifically recite detecting that said first connection is terminated prior to retrieval of said information. Nonetheless it was widely known in the art at the time of the invention for proxy devices to detect the termination of such *first* connections, as evidenced by WinRoute. In an analogous proxy system, WinRoute disclosed caching requested client content at a proxy device (WinRoute pg 54). WinRoute's system further provides various features for configuring the proxy caching functionality. One feature includes detecting when a first connection (connection between client and proxy) is terminated (e.g. a browser's stop button is pressed) prior to the retrieval of content over a second connection (connection between the proxy and content server) (WinRoute pg 55 – Continue Aborted). When termination of the first connection is detected the system downloads

the requested content over the second connection and transmits it to the user at a later time using a third connection (e.g. a new connection between the client and proxy requesting the content again) (WinRoute pg 55 – Continue Aborted). WinRoute disclosed that by continuing to download the requested content over the second connection even when the first connection is terminated the system is able to provide faster browsing for users since when the user returns to this page later it will be presented from the cache without the added step of first retrieving the data from a content server (WinRoute pg 55 – Continue Aborted). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the WinRoute "Contiue Aborted" feature within Tso's system, in order to provide faster browsing for users. Again, the browsing will be faster since when the user later returns to a requested page it will be presented from the proxy cache without the added step of first retrieving the data from a content server.

Neither Tso nor WinRoute disclosed deleting said information upon delivery of said information to said client. Nonetheless it was widely known in the art at the time of Applicant's invention that proxy caches such as those employed by both Tso and WinRoute have limited capacity, as evidenced by at least Burns. In an analogous proxy cache system (see inter alia Figure 2) Burns disclosed, "deletion policies are a function of...the constraints imposed by capacity limitations of the cache memory" (see Burns Col 11, lines 15-19). Thus, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement a cache deletion policy in the combined Tso and WinRoute system which deletes requested information from the proxy cache upon delivery of said information to a client, in order to manage the capacity limitations of the cache memory by deleting content as soon as possible and

thus more efficiently utilizing the cache memory. The cache memory is more efficiently utilized since more users can have their requests cached when cache memory is freed up as soon as possible. In addition by caching more users' requests the system is able to more efficiently respond to the requests.

In considering claim 8, claim 8 describes the same method as claim 1, but discloses which devices in the system are performing the claimed steps. These devices are the same as taught by Tso and disclosed above.

In considering claim 15, claim 15 presents an article with a storage medium and instructions for performing the same steps as claim 1, and is thus rejected for the same reasons as claim 1.

In considering claims 2, 9, and 16, Tso further discloses that the first request comprises a first source information (i.e. client's user ID, modem/interface information, etc.) and a first information address (i.e. the URL of the remote server), further comprising storing said information with said first source address and said first information address in an information table prior to receiving the second request (col. 4, lines 1-5, 50-65 describing storing the information and destination URL in the cache; col. 7, lines 20-29, describing storing the source information). Note that Tso describes storing a client's user ID and/or modem or interface information in the with the information and information address. Although the cited sections do not say so, detecting an IP address upon receiving a request is a common way to determine

which client or user is making the request. Tso discloses this in col. 10, lines 8-32, which describes storing the client's IP address in a separate table for authentication purposes. Thus, it would have been obvious for the client's "user ID" stored in the information table taught by Tso to consist of the client's IP address, to simplify the process of recognizing the user.

In considering claims 3 and 17, Tso further discloses that the second request comprises a second source information (i.e. client user ID, modem information, etc.) and a second information address (i.e. the server URL), and said determining comprises:

Searching said information table to determine whether the second source information matches the first source information (i.e. determining the client user ID, etc. and comparing it with the stored information); and

Determining whether said first information address matches said second information address (i.e. the proxy determines whether the requested URLs are the same to determine whether to use the cached data).

Again, given Tso's teaching of using IP addresses to identify clients, it would have been obvious for the client's "user ID" stored in the information table taught by Tso to consist of the client's IP address, to simplify the process of recognizing the user.

In considering claim 4, Tso further discloses that the source addresses comprise Internet addresses ("IP addresses") and the information addresses comprise uniform resource locators ("URLs").

In considering claims 5 and 12, Tso further discloses that the information is an HTML file (col. 3, line 54, "HTML").

In considering claim 7, 14, and 18, Tso further discloses receiving a request to terminate said third connection (inherent after an HTTP request and retrieval of data), and terminating the second and third connections (again, inherent in completing the data transfer).

In considering claim 10, Tso further discloses that the second request comprises a second source information (the client user ID, etc. and comparing it with the stored information) and a second information address (i.e. the server URL), and said determining comprises:

Searching said information table to determine whether the second source information matches the first source information (i.e. determining the client user ID, etc. and comparing it with the stored information); and

Determining whether said first information address matches said second information address (i.e. the proxy determines whether the requested URLs are the same to determine whether to use the cached data, p. 24, ¶ 3-4); and

Sending the information in accordance with said determination (i.e. the proxy sends the information from the cache if the URLs match).

Again, given Tso's teaching of using IP addresses to identify clients, it would have been obvious for the client's "user ID" stored in the information table taught by Tso to consist of the client's IP address, to simplify the process of recognizing the user.

In considering claim 11, Tso further discloses that the source addresses comprise Internet addresses ("IP addresses") and the information addresses comprise uniform resource locators ("URLs").

3. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tso and WinRoute and Burns, in view of well-known Internet standards.

In considering claims 6 and 13, although Tso does not disclose that the information comprises an XML file, Examiner takes Official notice that XML is a notoriously well-known language for files on the Internet. Given this knowledge, it would have been obvious to use XML in the system taught by Tso, in addition to or instead of HTML, because XML has numerous advantages over HTML (such as creation of customized tags, supporting links that point to multiple documents, etc.).

Conclusion

1. The prior art made of record, in PTO-892 form, and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Reilly whose telephone number is 571-272-4228. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 19, 2006

KRISNA LIM
PRIMARY EXAMINER